UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,190	12/12/2001	Richard Stewart	010202	6381

23696 7590 06/07/2005

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER	
AN, SHAWN S	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,190	STEWART ET AL.	
	Examiner	Art Unit	
	Shawn S. An	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,25-34 and 44-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,25-34 and 44-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. As per Applicants' instructions as filed on 11/26/04, claim 25 has been amended, claims 15-24 and 35-43 have been canceled, and claims 44-47 have been newly added.

Response to Remarks

2. Applicants' arguments with respect to claims 1-14, 25-34 have been carefully considered but are moot in view of the new ground(s) of rejection.

Note: Applicants' argument against the Examiner's official notice taken in the last Office action as in independent claims 1 and 25 have been deemed moot in view of Pejhan et al and Guetz et al as discussed below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 9, 11-12, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,529,600 B1) in view of Pejhan et al (6,850,564 B1) and Dozier et al (5,751,346).

Regarding claims 1, 44, and 46, Epstein et al discloses an apparatus/method for surveillance, comprising:

means for generating at least one video of at least one surveilled location (theater) using at least one camera (col. 1, lines 34-46); and

means for establishing a frame rate of the video at least partially based on motion (motion inherently involves an object/person/animal moving) (col. 4, lines 28-31).

Epstein et al does not specifically disclose means/processor for dynamically establishing a frame rate of the video at least partially based on motion in the surveilled location.

However, Pejhan et al teaches an apparatus and method for dynamically establishing the frame rate of video streams (abs.).

Furthermore, Dozier et al teaches image retention and information security system comprising means for generating at least one video of at least one surveilled location (bank teller station) using at least one camera, and a security reviewing on an image based on detection of motion (change between one image to the next) (abs.)

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the well known concepts as taught by Pejhan et al and Dozier et al so as to dynamically establish the frame rate of the video at least partially based on motion in the surveilled location for enhancing the quality of the video images for security reviewing, only when there is a motion indicating an activity by a person/animal or a moving object.

Regarding claim 2, Epstein et al discloses identifying the motion based on changes between frames of the video (col. 4, lines 40-53).

Regarding claim 3, the Examiner takes official notice that a conventional motion detector for detecting/sensing motion is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art to incorporate the conventional motion detector for detecting/sensing motion.

Regarding claim 9, Pejhan et al teaches encoding/compressing the video (abs.)

Regarding claims 11-12, Epstein et al discloses processing entire frames of the frame rate (col. 4, lines 40-53).

Furthermore, the Examiner takes official notice that a conventional video encoder/compressor for encoding/compressing only portions of an entire video frames is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art to incorporate the conventional video encoder/compressor for encoding/compressing only portions of an entire video frames to conserve bandwidth and processing time.

5. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al, Pejhan et al, and Dozier et al as applied to claim 1 above, and further in view of Monroe (6,518,881 B2).

Regarding claim 4, the combination of Epstein et al, Pejhan et al, and Dozier et al does not particularly disclose transmitting the video to at least one mobile wireless receiver for display of the video on a mobile terminal.

However, Monroe teaches a digital communication system comprising at least one mobile wireless receiver (Fig. 3, 58 and 54), and a mobile terminal (200) for displaying the video.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the Monroe's teaching as above so as to transmit the video to at least one mobile wireless receiver for displaying the video on a mobile terminal, thereby the video can be observed/analyzed in one of many locations.

Regarding claim 5, since Monroe's mobile unit is used in a law enforcement vehicle, it would have been obvious to implement the mobile unit in a plurality of law enforcement vehicles comprising plurality of mobile wireless receivers for an obvious reason of covering communication capability (transmitting video) to a plurality of regions/locations/states.

Regarding claim 6, Monroe teaches transmitting the video to base station via the wireless interface in real time (col. 7, lines 3-7).

Therefore, it would have been obvious to transmit a video to the at least one mobile wireless receiver in real time for live observation of the video by the enforcement officer in case of an emergency.

Regarding claim 7, the Examiner takes official notice that a billing company or a corporation generating at least one electronic or paper billing document based on the transmission for delivering services/goods such as a product purchase transaction via the internet is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the

well known concept of generating at least one electronic or paper billing document based on the transmission for delivering services/goods.

Regarding claim 8, the Examiner takes official notice that transmitting a video in response to a successful authentication such as in a pay per view method is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance to incorporate the well known concept of transmitting a video in response to a successful authentication such as in a pay per view method as a secure way to verify if the user/subscriber has authorization to view the requested video.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al, Pejhan et al, and Dozier et al as applied to claim 1 above, and further in view of Acosta et al (6,166,729).

Regarding claim 10, the combination of Epstein et al, Pejhan et al, and Dozier et al does not particularly disclose disclose generating plural videos of respective surveillance locations and routing the videos to respective wireless receivers in response to user requests for videos.

However, Acosta teaches a remote digital image viewing system comprising generating a plurality of digital images of respective surveillance locations (Fig. 1, 12) and routing (18, 20) the digital images to respective wireless receivers (22) in response to user requests for a selected/desired digital image.

Therefore, it would have been obvious to a person of ordinary skill in the relevant employing a method for surveillance as taught by Epstein et al to incorporate the Acosta's teaching as above, and substitute the digital image with the video of Epstein et al so as to generate plurality of videos of respective surveillance locations and route the videos to respective wireless receivers in response to user requests for videos, thereby the selected/desired video can be observed by wide range of network enabled users.

7. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al, Pejhan et al, Dozier et al, and Monroe as applied to claim 4 above, and further in view of Acosta et al (6,166,729).

Regarding claim 13, the combination of Epstein et al, Pejhan et al, Dozier et al, and Monroe does not specifically disclose providing at least one conditional access module in a link between the location and receivers to secure the link.

However, Acosta teaches a remote digital image viewing system comprising providing at least one condition access module (Fig. 10, 472) in a link between the location (Fig. 1, surveillance camera, 12) and receiver (22) to secure the link.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the Acosta's teaching as above so as to provide at least one conditional access module in a link between the location and receivers to secure the link as a secure way to verify if the user/subscriber has authorization to view the requested video, thereby accessing /denying the video depending on the authentication.

Regarding claim 14, Acosta et al discloses authenticating at least one of: a source of video and the receiver (col. 16, lines 57-67).

8. Claims 25-29, 32-34, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naidoo et al (6,690,411 B2) in view of Epstein et al (6,529,600 B1) and Dozier et al (5,751,346).

Regarding claims 25, 45, and 47, Naidoo et al discloses a surveillance apparatus/method, comprising:

a surveillance camera adapted to generate a video feed by generating video frames (col. 7, lines 42-53); and

a transmitter for transmitting the video feed in real time to at least one monitoring receiver over a wireless link (col. 2, lines 27-42).

Naidoo et al does not specifically disclose a processor/means adapted to vary a frame rate associated with frames based at least in part on motion of at least one object at the location.

However, Epstein et al teaches a processor/means adapted to vary a frame rate associated with frames based at least in part on motion of at least one object (motion inherently involves an object moving) at the location (scene) for enhancing the quality of the video images (col. 4, lines 28-39).

Furthermore, Dozier et al teaches image retention and information security system comprising a processor/means for generating at least one video of at least one surveilled location (bank teller station) using at least one camera, and a security reviewing on an image based on detection of motion (change between one image to the next) (abs.).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Naidoo et al to incorporate the well known concepts as taught by Epstein et al and Dozier et al so as to dynamically vary the frame rate of the video at least partially based on motion in the surveilled location for enhancing the quality of the video images for security reviewing, only when there is a motion indicating an activity by a person/animal or a moving object.

Regarding claims 26 and 33, Naidoo et al discloses processing and/or compressing an entire video frame/feed (col. 7, lines 37-44).

Regarding claim 27, Dozier et al teaches encoding/compressing the video (Fig. 4, 176).

Regarding claim 28, the Examiner takes official notice that a billing company or a corporation generating at least one billing document based on the transmission of the data for delivering services/goods such as a product purchase transaction via the internet is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant employing a method for surveillance to incorporate the well known concept of generating at least one billing document based on the transmission for delivering services/goods.

Regarding claim 29, Epstein et al discloses identifying the motion based on changes between frames of the video (col. 4, lines 40-53).

Regarding claim 32, Naidoo et al discloses transmitting in response to a successful authentication (col. 6, lines 58-67).

Regarding claim 34, the Examiner takes official notice that generating a plurality of video feeds of respective surveillance locations and routing the videos to respective wireless receivers in response to user requests for video feeds are conventionally well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Naidoo et al to incorporate the well known concept as above, so that the plurality of video feeds from the respective surveillance locations can be observed by wide range of network enabled users using the respective wireless receivers.

9. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naidoo et al, Epstein et al, and Dozier et al as applied to claim 25 above, and further in view of Monroe (6,518,881 B2).

Regarding claim 30, the combination of Naidoo et al, Epstein et al, and Dozier et al does not specifically disclose transmitting the video feed to at least one mobile wireless receiver for display of the video on a mobile terminal.

However, Monroe teaches a digital communication system comprising at least one mobile wireless receiver (Fig. 3, 58 and 54), and a terminal (200) for displaying the video.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Naidoo et al to incorporate the Monroe's teaching as above so as to transmit the video to at least one mobile wireless receiver for displaying the video on a mobile terminal, thereby the video can be observed in one of many locations.

Regarding claim 31, since Monroe's mobile unit is used in a law enforcement vehicle, it would have been obvious to implement the mobile unit in a plurality of law enforcement vehicles comprising plurality of mobile wireless receivers for an obvious

reason of covering communication capability (transmitting video) to a plurality of regions/locations/states.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Guetz et al (6,091,777), Continuously adaptive digital video compression system and method for a web streamer.

B) Gove (5,491,510), System and method for simultaneously viewing a scene and an obscured object.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S. An whose telephone number is 571-272-7324.

13. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SHAWN AN
PRIMARY EXAMINER
6/1/05